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JOEL D. SKINNER, JR.
SKINNER AND ASSOCIATES
212 COMMERCIAL ST.
HUDSON WI 54016

In re Application of :
Martin Hinz :
Serial No.: 10/785,158 : PETITION TO MAKE SPECIAL
Filed: February 23, 2004 :
Attorney Docket No.: HINZ101USA :

This is in response to applicant's petition filed October 12, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d) based on infringement.

Applicant states (paragraph 4) that there is an infringing product on the market. Applicant states (paragraph 5) that a rigid comparison of the infringing product with the claims has been made. A review of applicant's claims shows that they are all "method" claims (i.e. - of establishing a neurotransmitter status point) and that no "product" is mentioned in any of the claims. Thus it is unclear what product was compared to the claims. IN the absence of any claim to a product it is unclear how any infringement can be taking place.

Applicant has not satisfied the provisions set forth in M.P.E.P. 708.02, II, relating to actual or potential infringement. Therefor the petition is **DENIED**.

The application will be taken up for action in turn.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number.

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